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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: **Yoshiro TAKEMURA et al.**

Group Art Unit: **3749**

Application Number: **10/821,980**

Examiner: **Josiah C. Cocks**

Filed: **April 12, 2004**

Confirmation Number: **3118**

For: **BURNER FOR TREATING WASTE GAS**

Attorney Docket Number: **020607A**

Customer Number: **38834**

**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

May 4, 2006

Sir:

Submitted herewith is a Terminal Disclaimer and Certification under 37 C.F.R. §3.73(b)  
(2 certificates). Also attached is the fee under 37 C.F.R. §1.20(d).

If there are any fees due in connection with the filing of this paper, please charge Deposit  
Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

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Enclosures: Certificate under 37 CFR §3.73(b)  
Terminal Disclaimer



PTO/SB/26 (09-04)

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# **TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT**

Docket Number 020607A

In re Application of: Yoshio TAKEMURA et al.

Application No.: 10/821,980

Filed: April 12, 2004

For: BURNER FOR TREATING WASTE GAS

The owner\*, Ebara Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 8,736,835 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," if said prior patent later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record. Reg. No.

*T. Oshita*

Signature

Takahiro OSHITA

Typed or printed name

Apr. 26, 2006

Date

3-3743-6873

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/98 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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Attorney Docket Number: 020607A

Customer Number: 38834

**CERTIFICATE UNDER 37 C.F.R. §3.73(b)**

**Ebara Corporation**, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of:

- ☒ An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 013038, Frame 0674, for which a copy thereof is attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: April 19, 2006

Name: Takahiro OSHITA  
Director of the Board

Title: Division Executive Officer Technologies, Research & Development Division

Signature: J. Oshita